

Application No. 10/672,412
Amendment dated May 21, 2007
Reply to Office action of March 21, 2007

REMARKS/ELECTION

Applicants hereby elected inventive Group III and elect compound 56 as the species. This election is made with traverse for the same reasoning elucidated in the response filed on December 12, 2006.

Applicants' attorney also wishes to thank S.P.E. Anna Jiang for returning the attorney's phone call in a timely fashion. However, Applicants' attorney still does not understand the need for the second restriction requirement, since the Applicants' earlier response to the first restriction requirement already elected a subgenus equivalent to inventive Group III in the present action and elected compound 56 as the species. Additionally, Applicants would like to confirm that the current claims are 1-21, since the present action states that the pending claims are only 1-2 and Applicants' files do not indicate withdrawing or canceling claims 3-21. Applicants would also like to confirm that the Examiner received the earlier response filed on December 12, 2006, as there is no mention of it in the present action.

Lastly, Applicants respectfully request that the additional time needed to respond to this action not be counted against the Applicants when determining P.T.A., since Applicants' attorney first called the Examiner on April 20, 2007 and again on May 2, 2007, and the listed supervisor, Dr. Richter, Esq., on April 30, 2007 and again on May 3, 2007, but did not receive a return call until May 8, 2007. Therefore, Applicants respectfully submit that they are not responsible for the one-month delay in filing this response and should not be penalized for it.

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Accordingly, Applicants respectfully submit that this application is now in condition for early examination. If any points remain at issue which can best be resolved by way of telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Philip I. Datlow/

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